

AG Contract No. KR99 0330TRN
ADOT ECS File No JPA 99-28
Project: HX066 01C
Section: SR-89A @ Glassford Hill Road (MP 322.1)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PRESCOTT VALLEY

THIS AGREEMENT is entered into 27 May, 1999,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the
STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State")
and the TOWN OF PRESCOTT VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the
"Town")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town

3. The State and the Town desire to participate in the design, construction and maintenance of a new warranted traffic signal at the intersection of SR-89A and Glassford Hill Road (MP 322.1), at an estimated cost of \$120,000 00, hereinafter referred to as the Project, for the safety and benefit of the traveling public

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

=====

NO. 23261
Filed with the Secretary of State
Date Filed: 05/27/99
Katey Bayless
Secretary of State
By Dicky V. Greenwald

II. SCOPE

1. The State will:

a Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve Town review comments

b Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Be responsible for two thirds of the cost of the Project, in an amount currently estimated at \$80,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the State

d. Upon completion, approve and accept the signal project on behalf of the parties hereto, and provide maintenance to the signal Project

2 The Town will:

a Review the design documents and provide comments.

b. Be responsible for one third of the cost of the Project, in an amount currently estimated at \$40,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town. Within thirty days after receipt and approval of an invoice, pay the State \$40,000.00 as the Town share of the signal Project

c. Upon completion and acceptance of the signal Project by the State, provide electrical energy to operate the signal, and grant the State perpetual right of entry access outside the State right-of-way as required to perform maintenance of pavement markings and loop detectors

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and reimbursements; provided, however, that this agreement, except any provisions for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


Town of Prescott Valley
Town Manager
Box 25456
Prescott Valley, AZ 86312

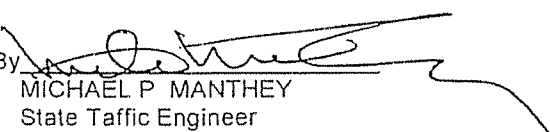
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

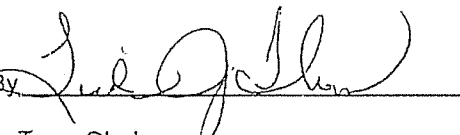
TOWN OF PRESCOTT VALLEY

STATE OF ARIZONA
Department of Transportation

By 
RICHARD KILLINGSWORTH
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

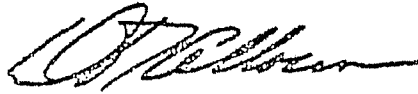
By 
Town Clerk

99-28 doc
19feb

RESOLUTION

BE IT RESOLVED on this 18th day of February 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Prescott Valley for the purpose of defining responsibilities for the design and construction of a new traffic signal at SR-89A and Glassford Hill Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
MARCH 25, 1999

Call to Order – The meeting was called to order by Mayor Killingsworth at 7:00 p.m. at the Police Operations Facility/Magistrate Court. Present were:

Richard Killingsworth	Mayor
Jay Fagelman	Vice-Mayor
Eunice Conner	Council Member
Chuck Ables	Council Member
Mike Flannery	Council Member
John Yeater	Council Member
Absent	Bill Howeth
	Council Member

Announcements – Chief Ed Seder announced the Police Dept. has been doing some selective enforcement on certain highways. The average speed on Hwy 69 was 60.1 mph on the first day. Al Sengstock announced that the Community Development Department with the Chamber of Commerce has developed a program that a large roll-off dumpster will be available, manned by volunteers, and available for acceptable refuse over a weekend in the particular neighborhood the receptacle is placed in. There will be a contest to name the receptacle. Vice-Mayor Fagelman announced that the Little League would like to thank Parks & Recreation.

Consent Agenda. Councilmember Yeater moved to approve the Consent Agenda. Councilmember Ables seconded the motion. Motion unanimously approved by the following vote:

Mike Flannery	Aye
Eunice Conner	Aye
Vice-Mayor Fagelman	Aye
Chuck Ables	Aye
John Yeater	Aye
Mayor Killingsworth	Aye

First reading of Ordinance No. 457, amending Chapter 16 of the Town Code to add a new Article 16-02 "Off Site Improvement Standards". establishing additional off-site development standards – Richard Parker, Community Development Director, indicated this was first presented to a Citizen Advisory group, and then to CSC Counts consultant. The Planning & Zoning Commission unanimously recommended approval. Rick Counts of CSC Counts explained this Ordinance establishes the foundation for the standards the community observes for safety, property values and for the general enhancement of the community. Councilmember Ables made a motion to read Ordinance No. 457 by title.

Consideration of approving an Intergovernmental Agreement with the Arizona Department of Transportation for construction and operation of a traffic signal at the intersection of Glassford Hill Road and Highway 89A – Public Works Director, Larry Tarkowski, explained this intersection has met traffic warrants ADOT pays 2/3 of the cost for the signal light. Councilmember Yeater made a motion to approve an Intergovernmental Agreement with the Arizona Department of Transportation for construction and operation of a traffic signal at the intersection of Glassford Hill Road and Highway 89A Councilmember Ables seconded the motion. Motion passed unanimously by the following vote:

Mike Flannery	Aye
Vice-Mayor Fagelman	Aye
Eunice Conner	Aye
Chuck Ables	Aye
John Yeater	Aye
Mayor Killingsworth	Aye

A public hearing to adopt resolutions pertaining to the Town's FY 1999 CDBG application – Linda Thorson, Administrative Services Director, explained the application is ready to go to the CDBG authority. Mrs. Thorson indicated last week she learned we have an additional \$4,625.00. Total funding is now \$352,236.00. Of that \$38,040.00 will go towards administration. \$314,196.00 will be used for the construction of a 6,000 sq. ft. addition on the existing Community Center. There will also be upgrades to the kitchen, and the present Senior Center will be moved there and the Senior Center will become a Youth Center.

Mayor opened the Public Hearing – no comments

Mayor closed the Public Hearing

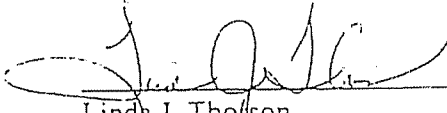
Consideration of approving Resolution No. 878, authorizing the submission of an application for FY 1999 State CDBG funds – Councilmember Flannery made a motion to authorize the Mayor or in his absence the Vice-Mayor to sign Resolution No. 878, authorizing the submission of an application for FY 1999 State CDBG funds. Councilmember Conner seconded the motion. Motion passed unanimously by the following vote:

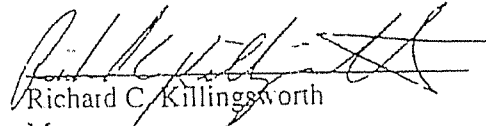
Chuck Ables	Aye
John Yeater	Aye
Vice-Mayor Fagelman	Aye
Eunice Conner	Aye
Mike Flannery	Aye
Mayor Killingsworth	Aye

Consideration of ratifying an emergency purchase of a new phone system for the Civic Center – Town Manager, Ken Rittmer, explained that it has been discovered that our

Decision, if any, regarding legal advice or acquisition of real property – No decisions.

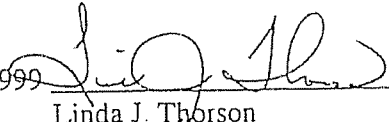
Adjournment


Linda J. Thorson
Town Clerk


Richard C. Killingsworth
Mayor

I hereby certify the foregoing minutes are a true and correct copy of the Minutes of the Regular Meeting of the Prescott Valley Town Council, held on the 25th day of March, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 29th day of March, 1999


Linda J. Thorson
Town Clerk

JPA 99-28

APPROVAL OF THE PRESCOTT VALLEY TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF PRESCOTT VALLEY and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 19th day of April, 1999.

Twon Logher
Town Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE : (602) 542-5025

FACSIMILE : (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-0330TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED May 21, 1999.

JANET NAPOLITANO
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

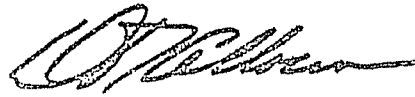
JRR:et/21073

Enc

RESOLUTION

BE IT RESOLVED on this 18th day of February 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Prescott Valley for the purpose of defining responsibilities for the design and construction of a new traffic signal at SR-89A and Glassford Hill Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in dark ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director